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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,435	09/18/2006	Markus Pantle	10191/4359	9894
26646 7590 12/23/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER NGUYEN, CUONG H				
ART UNIT		PAPER NUMBER		
3661				
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12/23/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,435

**Applicant(s)**

PANTLE, MARKUS

**Examiner**

CUONG H. NGUYEN

**Art Unit**

3661

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/11/2008 (an IDS).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12-25 is/are objected to.
- 8) ☒ Claim(s) 11-30 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

1. This Office Action is the answer to the communication received on 1/11/2008 (an IDS).
2. Claims 11-30 are pending in this application.

***Remark:***

3. Claim 1 is very abstractive, applicant wants to claim when to make a triggering, or when to make a trigger decision. This decision for “when” is not patentable since there are many various particular reason before triggering/(pressing a button)/activating a system (it is not necessary to trigger a particular device/system, even “for deciding to trigger and for triggering restraint systems of a motor vehicle”, the final result is still a triggering action).
4. Numeral references in claims should be deleted to conform with US Patent law (e.g., see “5,6,7”, at least claim 11, lines 1, 3, 4-5).

***Drawing Objection***

There is no drawing to reflect claims 11-25 ‘s step limitations – corrections are required.

***Claim Objections***

5. Claim 12's limitation should be comprised in step S2 of independent claim 11; because without elaborating this limitation, step S2 of independent claim 11 is undefined.
6. Claim 13's limitation should be comprised in step S3 of independent claim 11; because without elaborating this limitation, step S3 of independent claim 11 is undefined.
7. Claim 15's limitation should be comprised in step S4 of independent claim 11; because without elaborating this limitation (i.e., “determining of position-relevant actual values”), step S4 of independent claim 11 is undefined.

8. Claim 18's limitation should be comprised in step S5 of independent claim 11; because without elaborating this limitation (i.e., "comparing of the reference and actual values"), step S5 of independent claim 11 is undefined.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 is rejected under 35 U.S.C. 112, 2nd paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

A. As per independent claim 1: It is unclear, and vague to practice this claim since this claim requires all limitations that not define until further in its dependent claims (see the above objection for claims 12-13, and 15).

B. As per independent claim 1: There are insufficient antecedent basis for "...taking this data into account..." in claim 11, line 8 because independent claim 1 does not define "this data".

The examiner also respectfully submits that there is a restriction on patentably distinct groups, as shown below:

***Election/Restrictions***

10. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: Claims 11-25 are directed to a method comprising steps for deciding to trigger and for triggering restraint systems that may not using a GPS (a navigation system), with US classification 280/728.1, 734-735.

Group II: Claims 26-30 are directed to a device for deciding to trigger and for triggering restraint systems of a motor vehicle using a navigation system, with US classification 701/45, or 180/271.

These above 2 groups are clearly different because of differences in input signals that activating restrained systems; in addition, these claimed groups are defined by different US classifications, and between method/device 's limitations as shown above.

Should applicants traverse on the ground that the groups are not patentably distinct, applicants should submit evidence or identify such evidence now of record showing the groups to be obvious variants or clearly admit on the record that this is the case.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/  
Primary Examiner  
Art Unit 3661